

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6969**

**BILL NUMBER:** SB 322

**NOTE PREPARED:** Dec 31, 2010

**BILL AMENDED:**

**SUBJECT:** Legal Notices.

**FIRST AUTHOR:** Sen. Banks

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☐ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill allows a political subdivision, which includes an agency of a political subdivision, to publish legal notices on a notice web site instead of in a newspaper. It establishes requirements regarding availability and accessibility of the web site. The bill requires the political subdivision to designate an official responsible for the electronic publication of notices.

The bill requires a notice web site to have an electronic mail link that allows a person to submit a complaint to the political subdivision if access to any legal notice fails. It also provides that if a political subdivision does not have an official web site, legal notices shall be published on an existing official web site of the county government, if: (1) the county government has an official web site; and (2) the county government web site complies with the electronic publication requirements.

The bill establishes requirements for the duration of the posting of a legal notice and proof of posting. The bill also requires a political subdivision or agency of a political subdivision to publish an advertisement in a newspaper once a week that states the Internet address of the legal notice web site and information regarding Internet accessibility. It provides that a state or local government agency shall provide notice to anyone that makes an annual request for notice by: (1) transmitting the notice by electronic mail, if the agency has the capacity to transmit electronic mail; (2) transmitting the notice by facsimile; or (3) United States mail.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** The state has the capability to transmit notices by electronic mail via the state web site. Given that current law gives the option to transmit notices by electronic mail, this

provision would not impact state expenditures.

Although most counties and larger cities have their own websites, the state Office of Technology (OOT) maintains information about counties, cities, and towns at the following website: <http://www.in.gov/mylocal/index.html>. Most pages on the state site have links to official government sites already. The bill specifies that the public must have access to all the registered websites on the gateway. The OOT would be able to post a weblink list of registered local government websites within their existing resources.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Any increase in expenditures necessary to place legal notices on a website would likely be negligible and outweighed by the cost savings of publishing the notices in a newspaper. The bill maintains internet postings as a local option. The impact of these provisions on local expenditures would be dependent on each political subdivision's actions.

**Explanation of Local Revenues:**

**State Agencies Affected:** Office of Technology.

**Local Agencies Affected:** Political subdivisions.

**Information Sources:**

**Fiscal Analyst:** Chris Baker, 317-232-9851.